

Message Text

UNCLASSIFIED

PAGE 01 STATE 170285
ORIGIN CPR-01

INFO OCT-01 EA-09 ISO-00 PER-03 SCA-01 TRSE-00 L-03
INR-07 /025 R

DRAFTED BY S/CPR:MKEATING
APPROVED BY S/CPR:HDAVIS
EA/EX:DAWETHERBEE
EA/K:FHMISCH

-----019681 211733Z /46

P 211625Z JUL 77
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL PRIORITY

UNCLAS STATE 170285

E.O. 11652: N/A

TAGS: OGEN, AFSP

SUBJECT: PRIVILEGES FOR NON-DIPLOMATIC PERSONNEL

REFERENCE: SEOUL 5282,5783, STATE-164397

1. THE KOREAN EMBASSY AND CONSULATES AND DIPLOMATIC AND
CONSULAR OFFICERS AND EMPLOYEES (NOT US NATIONALS OR
PERMANENT RESIDENTS) ARE EXEMPT FROM THE FEDERAL TELEPHONE
TAX. DIPLOMATIC OFFICERS AND EMPLOYEES OF THE EMBASSY
WHO ARE KOREAN NATIONALS NOT PERMANENTLY RESIDENT IN THE
US ARE, BY GRATUITOUS RULING OF THE IRS, EXEMPT FROM THE
FEDERAL GASOLINE TAX. EXEMPTION FROM THIS TAX, WHICH
IS IMPOSED ON MANUFACTURER AND INCORPORATED IN TOTAL PRICE
OF COMMODITY, IS NOT REQUIRED BY TREATY AND DOES NOT
EXTEND TO DIPLOMATIC MISSIONS, CONSULAR OFFICES OR CONSULAR
PERSONNEL. DIPLOMATIC OFFICERS ALSO EXEMPT FROM D.C.
GASOLINE TAX BUT EMPLOYEES ARE NOT. MARYLAND AND VIRGINIA
DO NOT GRANT EXEMPTION FROM THEIR INDIRECT GASOLINE TAXES.
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 170285

EMBASSY OBTAINS OFFICIAL GASOLINE REQUIREMENTS TAX-FREE
THROUGH PURCHASE IN NAME OF DIPLOMATIC OFFICER. DIPLOMATS
AND ADMINISTRATIVE AND TECHNICAL STAFF MEMBERS ARE EXEMPT
FROM DIRECT NEW YORK GASOLINE TAX BY TREATY.

2. OF STATES WHERE KOREAN CONSULAR POSTS HEADED BY CAREER
OFFICERS ARE LOCATED, ONLY HAWAII DOES NOT GRANT EXEMPTION

FROM ITS SALES (GENERAL EXCISE) TAX. ILLINOIS, NEW YORK AND TEXAS GRANT SALES TAX EXEMPTION TO CONSULAR OFFICERS AND ADMINISTRATIVE AND TECHNICAL PERSONNEL AND FAMILY MEMBERS, PROVIDED THEY ARE NOT CITIZENS OR PERMANENT RESIDENTS OF US. CALIFORNIA NOW MAKING ADMINISTRATIVE ARRANGEMENTS EXTENSION SIMILAR EXEMPTION. NEW YORK AND CALIFORNIA ACCORD GASOLINE TAX EXEMPTION ON TREATY BASIS. PRACTICE OF OTHER STATES NOT KNOWN.

3. WHILE DIPLOMATIC PERSONNEL HAVE FOR YEARS ENJOYED WIDE RANGE OF PRIVILEGES AND EXEMPTIONS BASED ON ESTABLISHED INTERNATIONAL PRACTICE AND COMITY, PERTINENT PROVISIONS OF THE VIENNA CONVENTIONS ON DIPLOMATIC AND CONSULAR RELATIONS AND THE CONSULAR CONVENTION BETWEEN THE US AND KOREA PROVIDE FIRM TREATY BASIS FOR EXTENSION TAX EXEMPTIONS TO PERSONNEL OF EMBASSY AND CONSULAR OFFICES. ALTHOUGH TAX ARTICLES OF US KOREA BILATERAL CONSULAR CONVENTION PROVIDE EXEMPTION ONLY FROM THOSE TAXES FOR WHICH OFFICER OR EMPLOYEE IS LEGALLY LIABLE, IT IS DEPARTMENT'S VIEW THAT TAX EXEMPTION PROVISIONS OF VIENNA CONVENTIONS REQUIRE US JURISDICTIONS TO GRANT EXEMPTION FROM SALES TAXES CATEGORIZED AS BEING "INDIRECT" SINCE THESE TAXES ARE USUALLY SET OUT SEPARATELY.

4. THE EMBASSY IS, BY REGULATION, EXEMPT FROM SALES TAX
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 170285

ON PURCHASE OF OFFICIAL SUPPLIES AND SERVICES (GAS, ELECTRICITY, TELEPHONE) IN D.C. CONSTRUCTION MATERIAL MAY BE OBTAINED TAX-FREE IF CONTRACT PROPERLY WORDED. ALTHOUGH MARYLAND AND VIRGINIA DO NOT ACCORD EXEMPTION FROM THEIR SALES TAXES, ITEMS OBTAINED FROM ESTABLISHMENTS THOSE JURISDICTIONS EXEMPT FROM TAX IF DELIVERED TO EMBASSY.

5. IN ILLINOIS AND NEW YORK, OFFICIAL CONSULAR PURCHASES ARE EXEMPT FROM TAX. INFORMATION REGARDING PRACTICE OTHER STATES NOT AVAILABLE. VANCE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE170285
Document Source: CORE
Document Unique ID: 00
Drafter: MKEATING
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770259-1098
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770732/aaaabbud.tel
Line Count: 105
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7ad5ea65-c288-dd11-92da-001cc4696bcc
Office: ORIGIN CPR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 SEOUL 5282, 77 STATE 164397
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1788176
Secure: OPEN
Status: NATIVE
Subject: PRIVILEGES FOR NON-DIPLOMATIC PERSONNEL
TAGS: OGEN, AFSP
To: SEOUL
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/7ad5ea65-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009